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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 JOHN PAUL FRANK SCHOWACHERT,  
12 Plaintiff,  
13 v.  
14 BILL POLLEY,  
15 Defendant.  
16

Case No. 1:25-cv-0121 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S APPLICATION TO PROCEED  
*IN FORMA PAUPERIS*, AND DIRECTING  
PLAINTIFF TO PAY THE FILING FEE  
WITHIN 30 DAYS

(Docs. 2, 7)

17 John Paul Frank Schowachert seeks to proceed *in forma pauperis* in this action, in which  
18 he alleges the defendant—the Tuolumne County Jail Commander—violated his civil rights at the  
19 jail. (Docs. 1, 2.) Reviewing Plaintiff's litigation history, the magistrate judge identified six  
20 actions that qualified as strikes under 28 U.S.C. § 1915(g). (Doc. 7 at 1-2, n.1.) In addition, the  
21 magistrate judge found Plaintiff "failed to allege that he was in any imminent danger of serious  
22 physical injury at the time the complaint was filed." (*Id.* at 2.) Therefore, the magistrate judge  
23 found the imminent danger exception to Section 1915 does not apply and recommended that the  
24 Court deny the motion to proceed *in forma pauperis*. (*Id.* at 2-3.)

25 The Court served the Findings and Recommendations on Plaintiff and notified him that  
26 any objections were due within 14 days. (Doc. 7 at 3.) The Court advised Plaintiff the "failure to  
27 file objections within the specified time may result in the waiver of the 'right to challenge the  
28 magistrate's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838—

39 (9th Cir. 2014).) Plaintiff did not file any objections and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations filed on February 5, 2025 (Doc. 7) are **ADOPTED** in full.
2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full the \$405.00 filing fee if he wishes to proceed with his action.

**Plaintiff is advised that failure to pay the required filing fee as ordered will result in the dismissal of this action without prejudice.**

IT IS SO ORDERED.

Dated: **March 4, 2025**

  
UNITED STATES DISTRICT JUDGE